

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN MICHAEL BROOKS,

Petitioner,

v.

JACK WARNER,

Respondent.

Case No. 3:22-cv-05486-JLR-TLF

ORDER EXTENDING STAY,
DIRECTING JOINT STATUS
REPORTS REGARDING STATE
COURT PROCEEDINGS

This is a 28 U.S.C. § 2254 habeas corpus action. By order dated December 5, 2022, the Court granted petitioner's unopposed motion to stay and abey these proceedings pending completion of petitioner's ongoing proceedings in state court. Dkt. 17. The Court further directed respondent to file status reports every ninety (90) days. *Id.* The Court directed petitioner to inform the Court and to file a motion to lift the stay within 30 days of the resolution of state court proceedings. *Id.*

On July 9, 2024, the parties submitted a joint status report stating that the parties jointly request the Court continue the stay of proceedings because "[p]etitioner reports that his prior appeal of a dispositive order from *State v. Brooks*, Cowlitz County Cause No. 16-1-01082-0, to the Washington Court of Appeals was recently denied by the latter court [and] ... [p]etitioner has stated he intends in 1 month's time to file a Personal Restraint Petition seeking collateral relief from the state court." Dkt. 35.

Accordingly, it is hereby ORDERED:

ORDER EXTENDING STAY, DIRECTING JOINT
STATUS REPORTS REGARDING STATE COURT
PROCEEDINGS - 1

1 (1) The matter continues to be stayed.

2 (2) **The parties are directed to file a joint status report every ninety (90) days**

3 informing the Court of the status of petitioner's state proceedings. The next joint
4 status report is due on or before **October 8, 2024**, and shall include the state
5 court cause number.

6 (3) If the state court dismisses or resolves petitioner's state court proceedings,
7 petitioner is directed to inform the Court and to file a motion to lift the stay within
8 30 days of the state court's action.

9 (4) Respondent shall file their answer to the petition (in accordance with Rule 5 of
10 the Rules Governing Section 2254 Cases) 45 days after the Court enters an
11 order lifting the stay.

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13 Dated this 11th day of July, 2024.

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Theresa L. Fricke
17 United States Magistrate Judge
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